

Message

From: Mutter, Andrew [mutter.andrew@epa.gov]
Sent: 5/4/2018 8:12:43 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: FW: News Clips - 4 May 2018

From: Hassell, Emily
Sent: Friday, May 4, 2018 2:12:38 PM (UTC-07:00) Mountain Time (US & Canada)
To: AO OPA OMR CLIPS
Subject: News Clips - 4 May 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

Resignation of John Konkus

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[The Atlantic - A Pruitt Aide's Attack on Zinke Angers the White House](#)

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Washington Examiner - Democrats jump on Pruitt's lobbyist-planned trips to probe conflicts of interest

General

BNA - EPA Tailoring Superfund Agreements for Concerned Companies

Washington Post - It has been more than a year since EPA took down its climate website for 'updating'

Washington Post - Pruitt's EPA denies climate science. Republicans can correct him. Will they?

New York Times - Pruitt Is Wrong on Burning Forests for Energy (*Op-Ed)

The Hill - Don't let the Trump administration put clean car standards in reverse (*Op-Ed)

Politico - EPA narrows guidelines for aggregating sources for air permitting

AP - Enbridge fined \$1.8M for missing pipe inspection deadlines

AP - Deal ends environmental racism complaint against hog farms

BNA - EPA's Inaction on Pesticide Training Draws Watchdog Probe

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Bloomberg

<https://www.bloomberg.com/news/articles/2018-05-04/fourth-pruitt-aide-leaving-amid-swirling-controversy-at-epa>

Fourth Pruitt Aide Leaving EPA

By Jennifer A Dlouhy, 5/4/18, 12:14 PM

The fourth departure this week of an Environmental Protection Agency official was announced on Friday, in a move suggesting continued fallout from the controversies swirling around Administrator Scott Pruitt.

John Konkus, the agency's deputy associate administrator for public affairs, is leaving to lead communications at the Small Business Administration.

On Thursday, it was announced that Associate Administrator Liz Bowman, Konkus' boss and the EPA's top public affairs official, was departing to join the staff of Senator Joni Ernst, an Iowa Republican. Other confirmed departures this week: Albert "Kell" Kelly, the EPA's top adviser on Superfund cleanups, and former Secret Service agent Pasquale "Nino" Perrotta, who led Pruitt's security detail. Longtime Pruitt ally Samantha Dravis announced her resignation last month.

The exodus comes amid steep criticism of Pruitt, including calls for his ouster by at least 170 Democratic and four Republican lawmakers. There are at least 10 federal investigations into Pruitt, including probes of his rental of a Capitol Hill bedroom from a lobbyist for \$50 a night under unusually generous terms, frequent taxpayer-funded travel to his home state of Oklahoma, questionable spending decisions at the EPA, and raises granted to two top aides over White House objections.

Lawmakers also want to know more about Pruitt's four-day trip to Morocco in December, amid revelations that a lobbyist helped orchestrate the expedition -- and then made a deal to formally represent the North African country in the U.S.

Konkus had faced scrutiny for his role in vetting EPA grants and his authorization to conduct outside media consulting for private clients.

Democratic lawmakers said in a letter that they had "serious concerns" about the impartiality of Konkus and others who continued side gigs in the private sector while working for the federal government. Konkus had gotten permission to continue providing "consultative media advice."

In a congressional hearing last week, Pruitt said he was aware that EPA ethics officials had approved Konkus' request to continue working as a media consultant. Pruitt also rejected a lawmaker's suggestion this created an appearance of a lack of independence: "The ethics officials didn't believe that," he told lawmakers.

Toxic Mess

On Friday, Representative Don Beyer, a Democrat from Virginia, said Konkus' departure shows that "Scott Pruitt's toxicity has infected the upper echelons of EPA leadership, and the process of cleaning this mess must begin with Pruitt's dismissal."

"Mr. Konkus' tenure at EPA was emblematic of the way that special interests have been empowered to subvert the EPA's core mission under Pruitt," Beyer said in an emailed statement.

EPA Chief of Staff Ryan Jackson praised Konkus' work, which began even before Pruitt's confirmation. Konkus was a "sherpa" helping guide Pruitt through the Senate confirmation process, including meetings with senators and his hearing.

"John has been a valuable member of the EPA communications team," Jackson said in an emailed statement. "Administrator Pruitt is grateful for John's service and wishes him well as he continues to serve the Trump administration."

Washington Examiner

<https://www.washingtonexaminer.com/policy/energy/fourth-epa-staffer-john-konkus-set-to-resign-amid-scott-pruitt-scandals>

Fourth EPA staffer set to resign amid Scott Pruitt scandals

By Josh Siegel, 5/4/18, 11:03 AM

John Konkus, the second-in-command on the Environmental Protection Agency's communications staff, is the latest official to resign in a string of departures as EPA Administrator Scott Pruitt continues to fend off several scandals.

A Trump administration official told the Washington Examiner that Konkus, the deputy associate administrator in the EPA's office of public affairs, will take a communications job at the Small Business Administration.

Konkus' boss at EPA is Liz Bowman, the top communications staffer at the agency who also resigned this week.

"John's work ethic and positive attitude is unmatched," a Trump administration official told the Washington Examiner. "He will be a great addition to Administrator [Linda] McMahon's team."

Konkus is a political appointee considered loyal to President Trump. He served on Trump's transition team, and was one of the few to take a full-time job at the EPA. Before that, he was a longtime GOP operative in Florida, and served as the Trump's campaign chairman in Leon County.

The Washington Post reported that Konkus was responsible for vetting hundreds of millions of dollars in grants that the EPA distributes each year to see whether they conflicted with the administration's deregulatory priorities.

The EPA press shop has been increasingly on the defensive in recent weeks responding to a series of ethics and spending allegations facing Pruitt.

Konkus' departure comes amid other high-level departures of aides close to Pruitt. But, Pruitt's chief of staff, Ryan Jackson, says scandals aren't causing departures of top aides.

Jackson is downplaying perceptions of turmoil among EPA rank-and-file and political staff, and insisted agency employees are still motivated to work for Pruitt.

"People are principally focused on doing their jobs whether in the press office or program offices," Jackson told the Washington Examiner in an interview Wednesday night. "We respond to a lot, but at the same time we have policies that we are working on and finalizing and that gives career and political staff a lot of gratification."

The EPA this week announced the departures of Albert "Kell" Kelly, who led the agency's Superfund program that helps clean up hazardous sites, and Pasquale "Nino" Perrotta, the head of Pruitt's security detail, a major figure and witness in federal probes of Pruitt's spending and ethics.

Pruitt, in testimony before two House committees last week, downplayed his role in various spending, hiring, and security decisions at the agency, mostly blaming career and political staff who work under him. Pruitt's deflecting of responsibility has damaged morale among staff at EPA, sources say, and more departures of political staff are expected.

Politico

<https://subscriber.politicopro.com/energy/whiteboard/2018/05/another-epa-political-aide-to-depart-amid-pruitt-controversies-1159313>

Another EPA political aide to depart amid Pruitt controversies

By Emily Holden and Daniel Lippman, 5/4/18, 9:58 AM

Another political aide is departing EPA, sources told POLITICO today, making him the fourth staffer to exit the agency this week amid the raft of ongoing investigations into Administrator Scott Pruitt's expensive travel, security spending and condo rental.

John Konkus, the second-in-command on the public affairs team and who has worked with Pruitt since helping prepare him for his Senate confirmation, is leaving for a top communications job at the Small Business Administration, according to two sources with knowledge of the move.

Sources close to EPA expect more political appointees to leave soon. On Thursday, EPA's top spokeswoman Liz Bowman announced she was heading to a job on Capitol Hill, and on Tuesday, Pruitt's lead security agent and Superfund task force head both quit. Last month, policy chief Samantha Dravis and agriculture adviser Jeff Sands left.

Konkus worked with EPA's regional offices and will help SBA Administrator Linda McMahon to boost attention to local news stories, according to an administration official.

"John has an amazing attitude. He's a really good person, honest and a loyal supporter of President Trump," the source said.

The Hill

<http://thehill.com/policy/energy-environment/386222-fourth-political-aide-resigns-from-epa-this-week>

Media aide is fourth resignation from EPA this week

By Miranda Green, 5/4/18, 12:10 PM

Environmental Protection Agency (EPA) media aide John Konkus is adding his name to the growing list of political aides leaving the agency this week.

Konkus became the fourth Pruitt aide to resign in five days — and the second in Pruitt's media department. Pruitt's communications head, Liz Bowman, announced her departure Thursday.

Konkus serves as deputy associate administrator in the EPA's office of public affairs, which is the second in command on the communications staff.

Ryan Jackson, Pruitt's chief of staff, confirmed Konkus's departure Friday and said he was leaving to take a communications job at the Small Business Administration.

"From transition, working side by side with John as one of the 'sherpas' for Administrator Pruitt's nomination, through his work on the beachhead early at EPA, and as Deputy Associate Administrator, John has been a valuable member of the EPA communications team," Jackson said in a statement.

"Administrator Pruitt is grateful for John's service and wishes him well as he continues to serve the Trump Administration leading communications at the Small Business Administration."

Konkus did not respond to a request for comment.

Konkus's resignation comes amid reports that agency aide Michael Abboud had shopped around a story earlier in the week alleging that an Interior Department staffer was conspiring with a former EPA aide-turned-whistleblower to spread stories about Pruitt.

Pruitt did not issue his own statement of support for Konkus, as he had done earlier in the week for two other political aides who resigned, Albert Kelly and Pasquale Perrotta.

Kelly, who was hired to lead the agency's Superfund program last year, resigned Tuesday, and Perrotta, Pruitt's head of security, resigned on Monday.

Kelly has been under fire from the time he was announced to his position for his lack of a scientific background and his own financial history.

Perrotta has also been linked to concerns about some of Pruitt's security contracts, including an April 2017 security sweep in the administrator's office. The sweep was completed by Edwin Steinmetz, a business partner of Perrotta's at Sequoia Security Group.

He said the press was taking a toll on his family.

AP

<https://apnews.com/2902606de28f43ae80fbaf9679f7b827/Fourth-top-aide-leaving-embattled-EPA>

Fourth top aide leaving embattled EPA

5/4/18

WASHINGTON (AP) — Another top appointee is leaving his job at Scott Pruitt's Environmental Protection Agency.

John Konkus' announcement Friday makes him the fourth senior aide in two weeks to announce departure plans.

Konkus served as the EPA's deputy associate administrator for public affairs. He had worked as a Republican political consultant and helped on the Trump campaign before his EPA appointment.

Pruitt faces a series of federal investigations and audits over high administrative spending and other issues. Pruitt has blamed subordinates for the problems.

Pruitt's top spokesperson, his security chief and his Superfund administrator earlier announced their departures.

Konkus will take a communications job at the Small Business Administration. EPA chief of staff Ryan Jackson says Konkus was a valuable member of the EPA.

Reuters

<https://www.reuters.com/article/us-volkswagen-emissions/ex-volkswagen-ceo-winterkorn-charged-in-u-s-over-diesel-scandal-idUSKBN1I42I3>

Ex-Volkswagen CEO Winterkorn charged in U.S. over diesel scandal

By David Shepardson and Edward Taylor, 5/3/18, 3:47 PM, Updated 5/4/18, 10:17 AM

WASHINGTON/FRANKFURT (Reuters) - The United States has filed criminal charges against former Volkswagen AG boss Martin Winterkorn, accusing him of conspiring to cover up the German automaker's diesel emissions cheating, in a rare attempt to prosecute a CEO for company actions.

The indictment reopens the question of whether other senior Volkswagen (VW) executives knew about the scandal, which has dogged Europe's biggest automaker for more than 2-1/2 years and led to a regulatory crackdown that is threatening thousands of jobs as customers increasingly shun diesel-powered cars.

The indictment, filed by the Department of Justice (DoJ) in secret in March, was unsealed in a U.S. district court on Thursday as VW (VOWG_p.DE) held its annual meeting in Berlin.

Winterkorn, 70, is charged with four felony counts, including conspiracy to defraud the United States, wire fraud and violating the Clean Air Act from at least May 2006 through November 2015, after VW admitted using illicit software that allowed diesel cars to emit excess pollution without detection.

Winterkorn resigned within days of the scandal becoming public in September 2015, but other senior executives who were on the company's management board at the time continue to hold senior positions within the group.

Hans-Dieter Poetsch, who was finance chief, is now chairman of the supervisory board. Herbert Diess, now group CEO, joined the company on July 1 2015 as head of the VW brand, only weeks before authorities divulged its cheating on Sept. 18, 2015.

Rupert Stadler, who was head of the Audi brand in 2015, has been given additional responsibilities for group sales in a revamp announced by Diess last month. Bernd Osterloh, the company's powerful labor chief who also sits on the VW supervisory board, is still in place.

VW has said the decision to install illegal "defeat device" software was taken in 2006 below the management board level.

"None of the members of the board of management had, at that time and for many years to follow, knowledge of the development and implementation of this software function," VW said in its 2017 annual report.

A lawyer for Winterkorn in Germany did not immediately comment. Winterkorn in January 2017 told German lawmakers he had not been informed of the cheating early, and would have halted it had he been aware.

A VW spokesman in Germany said the company "continues to cooperate with investigations" but does not comment about probes of individuals."

Winterkorn is unlikely to face U.S. authorities. Germany's Federal Justice Ministry said on Friday it does not extradite German nationals to countries outside the European Union.

Winterkorn is currently in Germany is unlikely to travel to a jurisdiction that might extradite him to the United States, a source familiar with his thinking said.

VW shares, which were trading ex-dividend on Friday, were 0.3 percent higher at 172.62 euros at 1204 GMT.

'A HEAVY PRICE'

U.S. Attorney General Jeff Sessions, Environmental Protection Administration (EPA) chief Scott Pruitt and other senior Trump administration official issued statements criticizing VW with the indictment.

"If you try to deceive the United States, then you will pay a heavy price," Sessions said.

In contrast with VW, no individuals were charged at Toyota Motor Corp in connection with its sudden unintended acceleration scandal or at General Motors Co for the cover-up of a deadly ignition switch defect.

The federal government's decisions not to prosecute senior banking industry executives over the 2007-2009 financial crisis has also drawn fire from advocates of tougher measures to deter corporate wrongdoing.

VW has been fighting to move on from the scandal. It settled criminal charges with the U.S. DoJ in 2017 by agreeing to a \$4.3 billion payment, and has pledged to spend billions on new electric vehicles.

In total, it has agreed to spend more than \$25 billion in the United States to address claims from owners, environmental regulators, states and dealers.

But prosecutors in Germany and the United States are continuing investigations into what senior executives at VW and its Porsche and Audi brands knew. They have also opened investigations into BMW, Mercedes-Benz and FiatChrysler related to their diesel emissions.

VW has also offered to buy back about 500,000 polluting U.S. vehicles. Many are now stored in parking lots around the United States.

'ALL THE WAY TO THE TOP'

VW has never commented on when individual management board members learned about the defeat devices.

The filing with the U.S. district court said Winterkorn was briefed about the consequences of being caught using an illegal emissions device on July 27, 2015.

VW disclosed to U.S. authorities that it had used illegal software in its cars on Sept. 3, 2015, and did not inform investors until the U.S. EPA alerted the public on Sept. 18.

VW chose not to disclose the issue earlier because it felt the matter could be resolved amicably with U.S. authorities, its annual report said.

Sessions said in a statement that the charges against Winterkorn showed "Volkswagen's scheme to cheat its legal requirements went all the way to the top of the company."

The indictment describes how VW employees presented PowerPoint slides to Winterkorn and "other senior VW AG management at an in-person meeting at VW's headquarters in Wolfsburg." The meeting provided a "clear picture" of how the company was deceiving U.S. regulators about software used to rig emissions tests of VW diesel vehicles, it said.

The indictment also alleges that VW employees recommended the company seek to get approval for 2016 diesel models from U.S. regulators without revealing the existence of the cheating software. Winterkorn agreed to the plan, the indictment said.

The indictment also states Winterkorn was informed of the emissions cheating by a memo sent in May 2014. Winterkorn has said he did not learn of the cheating until late August 2015.

At its annual meeting, VW's new CEO Herbert Diess vowed to make the carmaker "more honest", but investors called for outside vetting of steps to restore its reputation.

VW had initially suggested only lower-level executives knew of the cheating. But the indictment alleges Winterkorn agreed with other senior VW executives "to continue to perpetrate the fraud and deceive U.S. regulators."

In total, nine people have been charged and two former VW executives have pleaded guilty in the case and been sentenced to prison terms. One Italian citizen, former Audi manager Giovanni Pamio, is in Germany awaiting extradition.

Six former VW executives charged, including Winterkorn, are believed to be in Germany and have avoided facing U.S. prosecutors.

The Hill

<http://thehill.com/policy/transportation/automobiles/386116-us-prosecutors-charge-ex-volkswagen-ceo-in-diesel-scandal>

US prosecutors charge ex-Volkswagen CEO in diesel scandal

By Mallory Shelbourne, 5/3/18, 4:05 PM

Martin Winterkorn, the former CEO of Volkswagen, has been indicted on wire fraud and conspiracy charges over an international emissions scandal, the Department of Justice announced Thursday.

The four counts against Winterkorn, who resigned amid the scandal in 2015, are related to Volkswagen's alleged efforts to skirt United States diesel emissions standards.

"The indictment unsealed today alleges that Volkswagen's scheme to cheat its legal requirements went all the way to the top of the company. These are serious allegations, and we will prosecute this case to the fullest extent of the law," Attorney General Jeff Sessions said in a statement.

"I want to thank the Criminal Division's Fraud Section, the Department's Environment and Natural Resources Division and the U.S. Attorney's Office for the Eastern District of Michigan as well as our partners at the EPA, FBI and in Germany for their hard work on this important case."

The Environmental Protection Agency (EPA) in 2015 said it found that Volkswagen had programmed its automobiles to deceive emissions tests — allegations the automaker admitted to at the time.

EPA Administrator Scott Pruitt said the indictment sends "a clear message" that the agency will hold corporate executives responsible "for alleged criminal activities at their company."

The indictment, which was filed in March, says Winterkorn and other Volkswagen employees conspired to violate the Clean Air Act by facilitating "false material statements," and therefore defrauded American consumers and regulators.

Volkswagen has reached several settlements over the cheating scandal, including one last week with West Virginia in which the the automaker agreed to pay the state \$2.65 million for failing to comply with the emissions standards.

"Volkswagen deceived American regulators and defrauded American consumers for years," U.S. Attorney Matthew Schneider said in a statement.

"The fact that this criminal conduct was allegedly blessed at Volkswagen's highest levels is appalling. The U.S. Attorney's Office is committed to pursuing accountability for corporate crimes, and the Winterkorn prosecution is a reflection of that commitment."

Daily Caller

<http://dailycaller.com/2018/05/03/volkswagen-executive-30-billion-dollar-scandal/>

Another Top Exec Indicted In The Scandal That Has Cost VW More Than \$30 Billion

By Tim Pearce, 5/3/18, 9:14 PM

A former top executive of Volkswagen (VW) was indicted on charges related to a long-running emissions cheating scandal that has cost the company billions in fines and damages.

Martin Winterkorn, former chairman of VW's management board, was found guilty of conspiracy and wire fraud, according to an indictment unsealed Thursday.

The 70-year-old, one of eight executives criminally charged in connection with "diesel-gate," conspired with other top management in the company to defraud the U.S., VW's customers and violate the Clean Air Act. Two other executives were sentenced in 2017 to 40 months in prison and 84 months in prison, respectively.

"The indictment of former VW CEO Martin Winterkorn should send a clear message that EPA and its law enforcement partners will seek to hold corporate officers accountable for alleged criminal activities at their company," Environmental Protection Agency (EPA) Administrator Scott Pruitt said in a May 3 statement.

In September 2015, the German auto maker was caught placing "defeat devices" that would reduce vehicles' emissions when they were tested by the EPA to ensure Clean Air Act standard compliance.

The scandal has cost the company more than \$30 billion total in fines assessed in the United States and Europe. The high charge has set the record for the most expensive fine ever leveled against an auto manufacturer in the U.S.

"If you try to deceive the United States, then you will pay a heavy price," Attorney General Jeff Sessions said in a Thursday statement. "The indictment unsealed today alleges that Volkswagen's scheme to cheat its legal requirements went all the way to the top of the company. These are serious allegations, and we will prosecute this case to the fullest extent of the law."

Washington Examiner

<https://www.washingtonexaminer.com/business/us-charges-ex-volkswagen-ceo-martin-winterkorn-in-emissions-scandal>

US charges ex-Volkswagen CEO Martin Winterkorn in emissions scandal

By James Langford, 5/3/18, 4:43 PM

A federal grand jury has charged former Volkswagen CEO Martin Winterkorn with wire fraud in what prosecutors say was a long-running scheme to cheat diesel-emission standards for U.S. vehicles.

Winterkorn, 70, and other senior executives of the German carmaker conspired for about nine years to mislead investors and U.S. consumers about the ability of its "clean diesel" vehicles to comply with the country's rules, according to an indictment unsealed Thursday in U.S. District Court in Michigan. Winterkorn, who stepped down from the top job shortly after the federal investigation began, also faces three counts of wire fraud in a scandal that has weighed on the company's U.S. stock for more than two years.

"If you try to deceive the United States, then you will pay a heavy price," Attorney General Jeff Sessions, an appointee of President Trump, said in a statement. "The indictment unsealed today alleges that Volkswagen's scheme to cheat its legal requirements went all the way to the top of the company. These are serious allegations, and we will prosecute this case to the fullest extent of the law."

Environmental Protection Agency Administrator Scott Pruitt said the indictment sends "a clear message that EPA and its law enforcement partners will seek to hold corporate officers accountable for alleged criminal activities."

According to the indictment, Winterkorn and other Volkswagen executives implemented software that made VW and Audi diesel vehicles appear to meet U.S. emissions standards when they didn't, thus boosting the company's sales and, potentially, their own incomes.

The so-called defeat device, which tightened engine emission controls enough to meet requirements when the software recognized a test was being performed, was developed after VW executives realized the carmaker was unable to build a diesel engine that was both compliant and had market appeal, prosecutors said.

Under normal driving conditions, which the software also recognized, the diesel engines' emission-control systems were much less effective, allowing them to pump as much as 35 times more nitrogen oxides into the environment than U.S. regulators allowed, according to the indictment. The pollutants contribute to both smog and acid rain.

The Justice Department and the EPA notified Volkswagen of the investigation in late September 2015, and the company promised to cooperate. Winterkorn relinquished his roles as CEO and chairman of the supervisory board five days later.

"I am doing this in the interests of the company, even though I am not aware of any wrong doing on my part," he said at the time. "Volkswagen needs a fresh start — also in terms of personnel. I am clearing the way for this fresh start with my resignation."

The company's U.S. shares have climbed 8.2 percent since the investigation was disclosed, trailing 32 percent growth on the broader S&P 500.

Volkswagen "continues to cooperate with investigations by the Department of Justice," said Pietro Zollino, a company spokesman. "It would not be appropriate to comment on individual cases."

Politico

<https://subscriber.politicopro.com/energy/whiteboard/2018/05/pruitt-to-testify-before-senate-panel-may-16-1160711>

Pruitt to testify before Senate panel May 16

By Anthony Adragna, 5/4/18, 12:34 PM

Embattled EPA Administrator Scott Pruitt returns for his first Senate hearing since the flood of ethics and spending allegations arose when he testifies before a Senate Appropriations subpanel May 16, according to a Republican aide.

Pruitt will appear for a budget hearing before the Senate Appropriations Interior-Environment Subcommittee. Interior Secretary Ryan Zinke will appear before the same panel on May 10, according to the aide.

Sen. Lisa Murkowski (R-Alaska), who chairs the subcommittee, has previously described the oversight efforts and a push from some Republican senators to hold hearings with Pruitt "absolutely appropriate."

The session will come several weeks after Pruitt sought at two House committee hearings to blame his staff for allegations of lavish spending, cozy relations with lobbyists and other controversies that have arisen over the last couple months. Four senior political aides have left EPA this week alone.

Pruitt last testified in the Senate during a late January hearing before the Environment and Public Works Committee.

Washington Post

https://www.washingtonpost.com/national/health-science/influential-outsiders-have-played-a-key-role-in-scott-pruitts-foreign-travel/2018/05/03/db28fc6a-4ede-11e8-af46-b1d6dc0d9bfe_story.html?utm_term=.e7f5528c5691

Influential outsiders have played a key role in Scott Pruitt's foreign travel

By Juliet Eilperin and Brady Dennis, 5/3/18, 10:08 PM

Scott Pruitt's itinerary for a February trip to Israel was remarkable by any standard for an Environmental Protection Agency administrator: A stop at a controversial Jewish settlement in the West Bank. An appearance at Tel Aviv University. A hard-to-get audience with Israeli Prime Minister Benjamin Netanyahu.

One force behind Pruitt's eclectic agenda: casino magnate and Republican megadonor Sheldon Adelson, a major supporter of Israel who arranged parts of Pruitt's visit.

The Israel trip was canceled days before Pruitt's planned departure, after The Washington Post revealed his penchant for first-class travel on the taxpayers' dime. But federal documents obtained by The Post and interviews with individuals familiar with the trip reveal that it fit a pattern by Pruitt of planning foreign travel with significant help from outside interests, including lobbyists, Republican donors and conservative activists.

After taking office last year, Pruitt drew up a list of at least a dozen countries he hoped to visit and urged aides to help him find official reasons to travel, according to four people familiar with the matter, who spoke on the condition of anonymity to discuss internal agency deliberations. Pruitt then enlisted well-connected friends and political allies to help make the trips happen.

Longtime Pruitt friend Richard Smotkin, for example, helped arrange Pruitt's four-day visit to Morocco in December. Smotkin, who has not returned calls seeking comment, later signed a \$40,000-a-month lobbying contract with the Moroccan government.

American Australian Council treasurer Matthew Freedman, whose group's members include ConocoPhillips, helped line up a September trip to Australia, where Pruitt was scheduled to promote liquefied natural gas exports during a tour of the company's natural gas facility. That trip also was canceled. Freedman did not respond to calls seeking comment; the council said it "authorized" Freedman to "have discussions" with the EPA about the trip.

And in Israel, Pruitt was scheduled to unveil an agreement with Water-Gen, an Israeli water purification company championed by Adelson. Adelson does not have a financial stake in Water-Gen, according to his aides and the company, but was impressed by its technology and had urged Pruitt to meet with Water-Gen executives soon after he took office. That meeting took place on March 29, 2017.

Within weeks, Pruitt instructed his aides to find a way to procure Water-Gen's technology, according to two administration officials who spoke on the condition of anonymity for fear of retaliation. The EPA signed an agreement with the company in January; Pruitt had hoped to announce it while he was in Israel. Water-Gen is now working with EPA technical staff in Cincinnati to test its technology in hopes of obtaining a federal contract to provide drinking water in places where the water supply has been contaminated.

@WaterGen_Inc

President Donald Trump recently hosted a delegation from Watergen USA, a subsidiary of an Watergen Israel, at his resort estate in Mar-a-Lago, Florida. #watergen, #waterfromair

On Thursday, Adelson's top political adviser, Andy Abboud, confirmed his involvement in planning Pruitt's Israel agenda, but played down its significance, saying, "Many people consult" Adelson before making the journey.

"In some cases, we will make an introduction to various officials traveling to Israel and Israeli staff officials," Abboud said. Of the planned Pruitt trip, he said: "It was very perfunctory, and I would describe them as simple introductions."

In an email, EPA spokesman Jahan Wilcox said agency officials in the Office of International and Tribal Affairs "organized and led the effort around Administrator Pruitt's" trip to Israel, as well as planned journeys to Italy, Morocco, Mexico and Australia. Wilcox declined to answer questions about Adelson's role, Water-Gen or other travel-related matters.

Pruitt's practice of involving outsiders in his travels raises serious ethical concerns, legal experts said; federal law prohibits public officials from using their office to enrich themselves or any private individual, or to offer endorsements.

Late Thursday, Democratic Sens. Thomas R. Carper (Del.) and Sheldon Whitehouse (R.I.) wrote to Pruitt seeking more information about the Israel trip, the agency's agreement with Water-Gen and "the role Mr. Adelson or other non-governmental officials played."

Along with Israel and Australia, Pruitt's wish list for global travel included Saudi Arabia, Colombia, Panama, Poland, Japan, India and Canada, former staff members said, adding that Pruitt asked staffers to schedule the trips at a pace of roughly one per month. Political and career officials at the EPA suggested a handful of other destinations, these people said, including China and Germany.

So far, Pruitt has traveled only to Italy and Morocco. He has canceled trips to Australia, Japan and Israel after extensive advance work by EPA officials.

In Italy and Morocco, Pruitt granted his friends unusual access to official events. In Italy, for example, Pruitt met up in Rome with Leonard Leo, executive vice president of the conservative Federalist Society.

Leo, who is Catholic, personally arranged private events for Pruitt and his aides, including a private tour of the Vatican Library and the Apostolic Palace, according to a participant in the trip. When Pruitt left a private Vatican Mass for a discussion of environmental policy with Archbishop Paul Gallagher, he invited Leo to join the meeting, according to two participants on the Italy trip.

Leo declined Thursday to comment.

In Morocco, Smotkin joined Pruitt's entourage on multiple stops, including a meeting with one of the kingdom's most prominent business leaders, according to three individuals familiar with the trip.

Legal experts said that it is highly unusual for private citizens to participate in official meetings when Cabinet members travel overseas, and that such invitations could be construed as tacit endorsements of a group's agenda. Federal ethics rules prohibit public officials from endorsing "any product, service or enterprise," said Don Fox, a former acting director of the Office of Government Ethics.

"This is the problem with Pruitt," said Virginia Canter, executive branch ethics counsel for the nonprofit Citizens for Responsibility and Ethics in Washington. "He's basically acting as a lobbyist for all of his friends."

From his first days at the EPA, Pruitt made clear to top aides that Israel was high on his agenda. Pruitt had met Adelson while serving as Oklahoma attorney general, and he agreed when Adelson suggested he meet with executives from Water-Gen.

Yehuda Kaploun, president of Water-Gen USA, said Thursday that Adelson became an enthusiastic backer after learning about the company's innovative method of drawing potable water from moisture in the air.

While Adelson had no investments or other financial involvement in the company, Kaploun said, he asked executives "whether we'd be prepared to meet with EPA."

On March 29, 2017, Kaploun and the parent company's executive chairman, Maxim Pasik, met with Pruitt in his office in Washington. The entry in Pruitt's official calendar, released under a public records request, includes a note that reads: "This came as a request of Sheldon Adelson."

Water-Gen executives brought along one of the company's "home and office" units, which can produce three to five gallons of water a day, and removed it from Pruitt's office about a week later. During the meeting, Kaploun said, Pruitt asked company executives to meet with EPA water experts, inquired how quickly they could scale up and wanted to know whether they intended to manufacture in the United States.

"The administrator's goal, which he stated at the meeting, is that this can help people. It can give people clean air and water," Kaploun said, adding that Pruitt mentioned the Flint, Mich., drinking-water crisis as one potential use.

Pasik had a follow-up meeting with Pruitt in May, according to Pruitt's calendar, and a few months later, the EPA announced that it was seeking up to four private-sector partners "for a Cooperative Research and Development Agreement to investigate the potential use of atmospheric water generators."

Such agreements often involve multiple firms. In this case, the EPA has so far cemented an agreement only with Water-Gen, in January. It was scheduled to be unveiled in February, during Pruitt's trip to Israel.

Many of the planned stops on that trip were the sort any EPA administrator would undertake, according to Pruitt's itinerary. For example, he was scheduled to meet with ministers of environmental protection and energy, visit a wastewater facility in Jerusalem and stop at one of the world's largest desalination plants.

Other proposed stops were less clearly related to his mission, such as excursions to the City of David and the Galilee region, where Jesus once preached. Just before Pruitt was scheduled to depart, an Adelson associate met Pruitt aides

Millan Hupp and Sarah Greenwalt in Israel to hammer out details of some of those events, according to a person familiar with those meetings.

Although the trip was canceled, EPA testing of Water-Gen's technology continues. Federal officials said a second company, AquaSciences, could soon be added to the agreement.

Kaploun said that Water-Gen "followed total protocol" in seeking EPA approval and that as far as he knew, no other firms had initially applied.

"Our technology is so advanced that no one else is in the same realm," he said, adding that Water-Gen had shouldered the cost of delivering one of its units to the EPA lab.

Kaploun and Water-Gen's U.S. CEO, Edward Russo — a former environmental consultant to Donald Trump who authored a book titled "Donald J. Trump: An Environmental Hero" — visited the president's Mar-a-Lago estate in March. They briefed Trump about the technology, and the president invited them to the Oval Office for a demonstration, Kaploun said.

CNN

<https://www.cnn.com/2018/05/03/politics/epa-scott-pruitt-campaign-reimbursements/index.html>

Pruitt reimbursed himself \$65,000 from Oklahoma attorney general campaign

By Gregory Wallace and Sara Ganim, 5/4/18, UPDATED 4:54 AM

(CNN) -- A CNN analysis has found that embattled Environmental Protection Agency Administrator Scott Pruitt paid himself nearly \$65,000 in reimbursements from his two campaigns for Oklahoma attorney general, a move at least one election watchdog has sharply criticized as being recorded so vaguely that there was no way to tell if such payments were lawful.

The reimbursement method, which Pruitt used in his 2010 and 2014 campaigns, effectively scuttled two key pillars of campaign finance: transparency about how campaign funds are spent and ensuring campaign funds are not used for personal purchases, according to a former top elections attorney and a CNN review of the documents.

Some of the reporting may also violate Oklahoma campaign finance rules, according to research done by the Campaign Legal Center, a nonprofit and nonpartisan group.

At EPA, Pruitt is under scrutiny for questionable spending and ethical decisions that have landed him in hot water with investigators and on Capitol Hill. Ethics watchdogs, federal auditors and congressional committees are conducting nearly a dozen inquiries into Pruitt's actions at the agency.

During his attorney general bids, records show Pruitt made purchases and then received reimbursement from his campaign -- sometimes thousands of dollars apiece -- rather than having the campaign pay directly for expenses like renting a vehicle or purchasing a meal. When purchases are made directly, the campaign filings would show more details about who received the payments.

Instead, dozens of entries on Pruitt's 2010 and 2014 campaign finance filings show payments to him but don't have the same level of detail, making it difficult to tell if the purchases were legitimate.

The reimbursements are vaguely stated as being for meals, travel, office supplies, phone service, internet access and office decorations, and in some cases do not list the vendors.

A spokesman for Pruitt, Jahan Wilcox, described the payments to CNN as "standard reimbursements."

"This is useless reporting," said Larry Noble, the former general counsel at the Federal Election Commission. He is now at the Campaign Legal Center and is a CNN contributor. "There's no way of telling if this is a personal expense. ... You couldn't do this on the federal (level) -- it's illegal."

Noble said Oklahoma rules require campaigns to "show the ultimate vendor and an adequate description so you know what the item was for." Because some of the payments to Pruitt do not do that, "It was not at all clear that these were all lawful," Noble said.

Noble noted that the campaigns, however, still made direct payments of more than \$1.6 million.

"So he's not running the campaign through his credit card," Noble said.

All of the payments were made when Pruitt was a candidate for attorney general or after he had been first elected to the office in 2010. The records do not show any payments since Pruitt became administrator of the EPA last year.

As EPA chief, Pruitt has faced allegations he took advantage of increased security and made travel arrangements for his own benefit -- demanding to fly Delta in order to get frequent-flyer points and staying at posh hotels more expensive than government limits for reimbursement (which also placed an undue burden on his staff who have to pay out of pocket). He's also been accused of excessive spending on his office, like an ornate restored desk and a soundproof booth. In some cases, he blamed the expenditures on his staff.

The reimbursements to Pruitt when he was AG totaled \$29,204.87 from the 2010 campaign account and \$35,665.73 from his 2014 re-election account, according to the filings.

The filings show Pruitt was frequently reimbursed for dining expenses at The Beacon Club, which was described by a local newspaper as "Oklahoma City's oldest private downtown dining" establishment when it closed last year. "The Beacon Club was where deals got done," The Oklahoman newspaper reported.

Some of Pruitt's reimbursements were for "officeholder expenses" -- meaning items needed for his role as attorney general -- after he was elected in 2010 and re-elected in 2014.

More than \$5,000 is for items that appear to be office supplies and decorations. Around \$3,600 is described as "Artwork/Decorations" from retailers like Pier 1 Imports, an Oklahoma florist and a local picture framing shop. Records also show Pruitt purchased a \$1,400 Apple computer.

Because of the limited information and lack of transparency, it's impossible to determine whether the purchases were appropriate and for official purposes, Noble said.

"Do we know how the campaign spent its money? No," Noble said. "How do you enforce a personal use prohibition unless you know how the money is being used? ... This is not any way you want to have a campaign finance log."

The office purchases were made a mere 10 days after the Bank of America skyscraper in downtown Tulsa agreed to lease office space to the attorney general's office, headed by Pruitt. The move expanded the Tulsa AG's offices and placed them in the same building as Pruitt's campaign offices, raising the rent from about \$3,000 per month to \$12,000 per month.

The office of current Attorney General Mike Hunter told CNN that around the same time, the AG's office was required to expand and hire more staff.

One Republican source said Pruitt would sometimes leave the AG's office to work from the campaign office in the same building.

His move to Tulsa was seen publicly as a convenience, since he lived in Tulsa and not Oklahoma City, where the AG is headquartered.

Wilcox, the Pruitt spokesman, did not address detailed questions from CNN about the expenditures and decision to relocate his government offices to the same building as his campaign office.

This week, Democratic lawmakers requested more information about a similar request Pruitt made of the EPA. A letter from three members of the House alleged that Pruitt, through his chief of staff, asked the agency to find a secure facility in Tulsa, where Pruitt lives when not in Washington, where he could work and make phone calls. The EPA says that didn't end up happening.

The Atlantic

<https://www.theatlantic.com/politics/archive/2018/05/epa-leaks/559607/>

A Pruitt Aide's Attack on Zinke Angers the White House

By Elaina Plott, 5/3/18

As Environmental Protection Agency Administrator Scott Pruitt faces a seemingly endless stream of scandal, his team is scrambling to divert the spotlight to Interior Secretary Ryan Zinke. And the White House isn't happy about it.

In the last week, a member of Pruitt's press team, Michael Abboud, has been shopping negative stories about Zinke to multiple outlets, according to two sources with direct knowledge of the efforts, as well as correspondence reviewed by The Atlantic.

"This did not happen, and it's categorically false," EPA spokesman Jahan Wilcox said.

The stories were shopped with the intention of "taking the heat off of Pruitt," the sources said, in the aftermath of the EPA chief's punishing congressional hearing last week. They both added, however, that most reporters felt the story was not solid enough to run. On Thursday, Patrick Howley of Big League Politics published a piece on the allegations; he did not respond to request for comment as to his sources.

Abboud alleged to reporters that an Interior staffer conspired with former EPA deputy chief of staff Kevin Chmielewski to leak damaging information about the EPA, as part of a rivalry between Zinke and Pruitt. The collaboration, Abboud claimed, allowed the Interior staffer to prop up Zinke at the expense of Pruitt, and Chmielewski to "get back" at his former boss.

Abboud offered to connect reporters with Healy Baumgardner as a second source, according to a person with direct knowledge. Baumgardner, a former Trump campaign official, is a global energy lobbyist for the U.S.-China Exchange. She's close to some EPA officials, the source, as well as an EPA official, confirmed. Baumgardner did not immediately return a request for comment.

According to the two sources, Interior staffers who fielded the reporters' calls were able to ascertain that Abboud, who is a former Trump campaign official, was behind the stories. The Interior Department's White House liaison then called the White House Presidential Personnel Office to complain about his conduct.

On Wednesday, a PPO official called top aides at the EPA "enraged" about Abboud's efforts, according to a senior EPA official. The PPO official inquired whether Abboud was a "Schedule C" appointee, which would place him within PPO's jurisdiction and thus give it the ability to fire him. But the official was informed that Abboud is an "administratively determined" hire, which means that only Pruitt himself has the ability to fire him. It is unclear the extent to which Pruitt was aware of these events.

Even so, the message from PPO, according to the senior official, was: “Basically, y’all are in trouble.” A White House official with knowledge of the events added: “Absolutely nothing Scott Pruitt did would surprise me.”

Heather Swift, a spokeswoman for Interior, and Raj Shah, a spokesman for the White House, both declined to comment.

Politico

<https://subscriber.politicopro.com/energy/article/2018/05/epa-clamps-down-on-records-requests-linked-to-pruitt-500691>

EPA clamps down on records requests linked to Pruitt

By Alex Guillen, 5/4/18, 5:03 AM

Political appointees at the EPA have tightened the vetting of requests for public records connected to Administrator Scott Pruitt, slowing the flow of information released under the Freedom of Information Act, according to open government experts and internal EPA documents.

Internal emails obtained by POLITICO show top Pruitt aides — in addition to career experts — reviewed documents collected for most or all FOIA requests regarding the embattled administrator's activities. And several environmental groups say the agency has told them that political staffers' document reviews have delayed releases past legal deadlines.

“This does look like the most burdensome review process that I’ve seen documented,” said Nate Jones, director of the FOIA Project at George Washington University's National Security Archive.

The new processes described in the emails involve “awareness reviews” or “senior management reviews” conducted by top political staffers before the agency releases essentially any documents involving the administrator. The emails also show Pruitt's political appointees chastising career employees who released documents in accordance with FOIA without letting them screen the records first.

EPA sometimes conducted those types of reviews under the Obama administration when career staff thought documents would generate a lot of interest, agency officials from that era told POLITICO. But under Pruitt, the vetting by EPA chief of staff Ryan Jackson and other key appointees of any documents linked to the administrator appears to be on the rise, according to FOIA experts who reviewed the emails.

The increased scrutiny comes as the agency faces a wave of accusations of excessive secrecy. EPA has declined to provide information about Pruitt’s public appearances in advance — a practice at odds with those of many other Cabinet members and the White House. And the agency releases his detailed calendars only when compelled by lawsuits.

That secrecy has prompted a boom in both Freedom of Information Act requests filed with the agency and lawsuits challenging its resistance to releasing information to the public. As POLITICO reported in February, production of documents under FOIA requests from Pruitt’s office is drastically lower than the rest of EPA.

The newly released emails, which EPA gave to the Natural Resources Defense Council following legal action, show Jackson created a pilot program to “centralize” requests that go through the various sub-offices that make up EPA’s Office of the Administrator. The emails show that the political aides weren’t just concerned about streamlining the FOIA process — they wanted to know about any requests anywhere at EPA that involved Pruitt.

In one exchange from last August, Jackson and Liz Bowman, the head of EPA’s Office of Public Affairs, expressed concern about documents related to comments Pruitt made on CNBC disputing that carbon dioxide from human activities was the primary cause of climate change. Those documents had been released to E&E News without first going through their review.

"Why did Kevin Bogardus from E&E all of a sudden get a response to a FOIA today, without any awareness from our FOIA office?" Bowman wrote Aug. 2. She later added that the response "wasn't due until 8/30."

Officials quickly determined that the request had been filled by a career employee before Bowman had a chance to flag it "for attention." Although the request involved Pruitt, the records sought by E&E were kept at EPA's Office of Research and Development, and the request was routed there before being released by a FOIA expert from that office.

Anything related to Pruitt "will draw inquiries from press," Jackson replied, and he requested that he and the public affairs office be notified ahead of any Pruitt-related release from any EPA office.

The message was received loud and clear by EPA's career staff.

"I have instructed my staff that no [Office of the Administrator] requests are to be issued without the opportunity for an awareness review by you, [the Office of Public Affairs] and the senior leadership of any other affected offices," Becky Dolph, the head of a special team of FOIA experts in EPA's Office of General Counsel, wrote to Jackson later that day.

Emails sent later that month showed Jackson pressing staff on why documents related to a coal plant water pollution rule were already available online just one day after an awareness review began.

The documents were "inadvertently" posted, replied Kevin Minoli, then EPA's acting general counsel, who added that the process would be changed so that "nothing is uploaded at all until we have the final set of documents and their production has been authorized."

None of the emails given to the NRDC reveal exactly what actions the political staffers conducting these reviews took.

NRDC attorney Aaron Colangelo said he asked EPA for details about the reviews after an EPA attorney told him that "awareness reviews" were delaying the release of documents in other FOIA requests filed by the environmental group. Those requests were related to Pruitt's participation in ongoing legal cases that he'd previously been involved in during his time as Oklahoma's attorney general.

Colangelo and other FOIA experts said federal agencies have discretion to set up their own internal FOIA processes, and the political reviews are not illegal — unless the reviews caused EPA to miss deadlines for producing documents set out in the Freedom of Information Act.

"There's nothing necessarily wrong with political folks getting a heads-up before potentially sensitive documents are released," Colangelo said in an interview. "But we do have a legitimate objection if that political review delays compliance with deadlines in the law."

And that has happened for at least two of the NRDC's Pruitt-related FOIA requests, he said. "They pushed back the production deadline so they could conduct an awareness review, and that's where we have an objection."

Another request from a coalition of environmental groups for documents about Pruitt's delay of a rule limiting water pollution from coal plants was held up over a "senior management review."

A judge mediating the lawsuit over that delay, Valerie Caproni of the U.S. District Court for Southern New York, said during November proceedings that while EPA "can do whatever internal policies in particular they want on FOIA," the agency cannot use political reviews to justify missing legal deadlines.

EPA still has to "comply with the law, and that means they have to produce documents in a timely way," she said. EPA eventually handed over the documents in that case.

It's not clear exactly how many FOIA requests have been delayed by political reviews, but experts say it is clearly having an impact.

Several Obama-era EPA political officials said they too occasionally received "heads-up" awareness reviews on high-profile requests, but not necessarily to the degree that Pruitt's aides are doing them.

"It doesn't seem abnormal to me that some political would get a chance to have review for awareness of productions that are going out that involve the administrator," said one former official. But the close attention from top-ranking officials like Jackson and former policy chief Samantha Dravis seemed "a little bit odd," the former official added.

Instead, awareness reviews generally went to the head of the agency program office in question and to congressional affairs staffers so they could coordinate with any requests from lawmakers, the former official said.

One Obama-era awareness review that was included in the new documents showed that a large batch of documents related to the Flint, Mich., lead crisis was flagged to political officials in the Office of Water and the congressional affairs office, as well as the general counsel, the regional administrator and a public affairs official.

Bowman, the EPA spokeswoman, did not comment on questions from POLITICO about the political oversight of FOIA requests, but she noted that the Trump administration was not the first to use them.

"Each EPA program and Region does their own FOIAs, so an awareness review allows the press office, Congressional affairs office and senior officials to be informed of documents being released in response to FOIA requests, to facilitate inter-office coordination, and to prepare responses to inquiries," she said.

Thomas Cmar, an Earthjustice attorney involved in multiple FOIA lawsuits with EPA, said the emails raise as many questions as they answer.

"Political staff appear to be keeping a very close eye on what information is being requested and released to the public," he said. "It raises concerns and it raises questions that need to be answered about whether EPA is living up to its obligations to make basic information about its activities available to the public that it's supposed to be serving."

Washington Examiner

<https://www.washingtonexaminer.com/policy/energy/democrats-jump-on-pruitts-lobbyist-planned-trips-to-probe-conflicts-of-interest>

Democrats jump on Pruitt's lobbyist-planned trips to probe conflicts of interest

By John Siciliano, 5/4/18, 2:33 PM

Democrats are jumping on new revelations about lobbyists planning Environmental Protection Agency Administrator Scott Pruitt's lavish trips to Morocco, Australia, and Israel to show conflicts of interest.

"The outsized role you have given lobbyists and non-governmental individuals in setting both your domestic policy agenda as well as your international travel is concerning and leads to even more questions about your ability to objectively serve the American people," said Sen. Ed Markey, D-Mass., in a letter sent Friday to Pruitt asking for a full list of industry representatives that the agency has collaborated with on planning his overseas excursions.

The letter was sent as the latest reports show a trip Pruitt was to take to Israel this year was planned by Sheldon Adelson, a major Republican donor, who has promoted an Israeli water purification company with which Pruitt was planning to announce an agreement with during the trip. The trip was canceled in February.

“The latest media reports, in addition to the other investigations examining your governance of the EPA — including your excessive and unjustified first-class travel, exorbitant pay raises given to your staff, and frequent trips to your home in Oklahoma at the taxpayer’s expense — are damaging not only to you personally but to the EPA as well,” Markey wrote.

Other documents surfaced this week that showed Pruitt's trip to Morocco in December cost more than \$100,000, which is well over the roughly \$40,000 the EPA said it spent on the trip. That trip was planned by former Comcast lobbyist Richard Smotkin, which Markey pointed out in the letter.

The EPA inspector general is looking into the trip after Democrats urged the office to open a probe over Pruitt's use of the trip to promote energy exports from the U.S. Pruitt said the trip was meant to shore up a free-trade agreement that the U.S. finalized with the North African kingdom.

Markey's letter also points out the New York Times report on an Australian trip that lobbyist Matthew Freedman was planning for Pruitt but canceled because of last year's hurricanes.

Markey wants a full accounting by May 18 of the names, dates, and destinations of all foreign trips Pruitt took or was planning to take. The senator, who serves on the committee that directly oversees Pruitt, wants all names of individuals outside the government who were involved in planning governmental activities.

He also wants the names of agency staff who raised questions about potential conflicts of interest arising from using lobbyists and outside government individuals for official agency matters.

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=133296822&item=408&prod=deln&cat=AGENCY

EPA Tailoring Superfund Agreements for Concerned Companies

By Sylvia Carignan, 5/4/18

Third parties that want to take on Superfund site projects can expect more personalized attention and customized agreements from the EPA, as the agency moves to redevelop contaminated properties.

The Environmental Protection Agency is targeting companies’ contamination liability concerns at the site level, pushing more tailored, site-specific agreements in addition to using agency-wide guidance, Cyndy Mackey, director of the agency's Office of Site Remediation Enforcement, told Bloomberg Environment May 3.

Those changes are enticing more private investors to step in, clean up, and redevelop the country's most contaminated sites, the agency said.

Renewed Interest

Those third parties are often environmental remediation companies and redevelopers that are willing to take on cleanup risks. The site-specific agreements address their concerns regarding their responsibilities at contaminated sites and the potential for future liabilities.

“We have seen an uptick in interest with those agreements,” Mackey said.

Previously, third parties interested in Superfund sites had to rely on statutory protections to determine whether they are liable for contamination. The site-specific approach, which comes from the agency's Superfund task force, helps manage third parties’ cleanup expectations and liability concerns, she said.

EPA Administrator Scott Pruitt's task force specifically focuses on making changes to the Superfund program that don't require legislation. In more than 40 recommendations, the task force details administrative ways the agency can ensure accountability, accelerate cleanup, and prepare sites for reuse.

Superfund sites are the most contaminated in the country, and include the Gowanus Canal in New York, Portland Harbor in Oregon, and Tar Creek in Oklahoma. Properties with the EPA's Superfund designation are eligible to receive federal funds for cleanup, though the agency aims to compel companies responsible for the sites, or third parties, to pay the cleanup bills.

From HQ to Regions

The two types of site-specific agreements that the EPA seeks to promote are bona fide prospective purchaser agreements and prospective purchaser agreements. The EPA's headquarters office is encouraging regional offices to use them more frequently. Both require the approval of the Department of Justice.

The bona fide prospective purchaser provision in the 2002 brownfields act protects landowners from liability for cleanup costs. The agreement is valid only if they meet certain conditions. These include reviewing records and inspecting the site for the presence or possibility of contamination, demonstrating that the purchaser is not affiliated with any liable party, complying with land use restrictions, and cooperating with information requests.

Prospective purchaser agreements center on the EPA's promise not to sue a party that could buy contaminated property. Certain conditions also must be met for these agreements.

The agency also is reviewing the content of those agreements to determine whether their templates should be revised, the EPA noted in guidance signed April 17.

Third-Party Liability

But third parties looking to take on contaminated sites may have another reason to hesitate, after an April 27 ruling from the U.S. Court of Appeals for the Ninth Circuit.

In California Department of Toxic Substances Control v. Westside Delivery, the court ruled that a third party, Westside Delivery, was liable for the costs of cleanup the state performed at Westside's contaminated property in Los Angeles.

Westside acquired the property in a tax sale and didn't interact directly with the original owner, the Davis Chemical Co., which recycled spent solvents at the site. A 1992 EPA assessment of the site found significant spillage, according to court documents.

The defendant argued that it was protected from liability under Superfund law, but the court disagreed.

"This decision reinforces the golden rule of acquiring industrial property—look before you leap," Peter Hsiao, partner at Morrison Foerster LLP in Los Angeles, told Bloomberg Environment in an email. Hsiao's practice includes Superfund litigation and other types of environmental law.

On the other hand, the case may not affect many third parties that are interested in buying contaminated sites, Bart Seitz, partner at Baker Botts LLP in Washington, told Bloomberg Environment.

"On the narrow facts of this case, I don't think it's that common," he said. Seitz represents companies involved in Superfund litigation.

The EPA is reviewing the court's decision and will determine whether any changes need to be made to site-specific agreements or guidance, Mackey said.

Washington Post

https://www.washingtonpost.com/news/energy-environment/wp/2018/05/04/it-has-been-more-than-a-year-since-epa-took-down-its-climate-website-for-updating/?utm_term=.98d10f70ff4d

It has been more than a year since EPA took down its climate website for 'updating'

By Chris Mooney, 5/4/18, 2:17 PM

The news came on a Friday evening in late April last year: The U.S. Environmental Protection Agency had removed an informational website about climate change, taking down a page that had been up, in some form, for nearly two decades and under three presidents.

Before its removal, the page had plainly stated a position on climate change: It is caused by humans, and there's no significant doubt about that. But that position contradicted statements by the new EPA chief, Scott Pruitt, who had expressed doubts about human activity being the dominant driver of climate change.

EPA said at the time that the site had been taken down for review and that it had been archived and was still available as part of a "snapshot" of the state of the site on Jan. 19, 2017, just as the new administration took command.

But a year later, the agency's climate page is still down, and would-be visitors are redirected to a notice saying that "this page is being updated."

"We are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt," it reads. (The archived snapshot remains in place.)

The removal of EPA's main page on climate change (though it also has a number of others that remain online), an extensive informational resource, is significant because it underscores the ambivalence about climate change science within the Trump administration. From President Trump to Pruitt, there are many who have called into question the scientific consensus on climate change.

Inside the agency and out, skepticism is rising that the agency's main climate page will ever go back up online.

Two EPA employees familiar with the site, who spoke on the condition of anonymity to share internal agency information, said they were unaware of any sign that the page is being updated to bring it back online. "There's definitely no progress on the website. I'm not sure anyone's even addressing it," said one employee.

Toly Rinberg, who heads the website monitoring division of the Environmental Data and Governance Initiative — which has closely tracked the EPA's website changes in the Trump administration — said he's skeptical the site is coming back.

"The big picture perspective that we have is that the removals occurred abruptly — there was notice given the same day as the removals took place," he said. "But to this day, there's been no sufficient explanation for why the content needs to be removed," he said.

Asked for comment, the EPA press office sent the following statement: "We are constantly updating our website to reflect new initiatives and projects of the Agency. Of course the site will be reflective of the current administration's priorities — with that said, all the content from the previous administration is still easily accessible and publicly available — through the banner across the top of the main page of the site."

The site that was removed served as a kind of gateway to EPA's climate change-related content, some of which, like inventories of U.S. greenhouse gas emissions, remain online. The page explained the science of climate change and its impacts and described actions that individuals could take and that the agency itself was taking to work on the issue. That included many of the initiatives launched under President Barack Obama.

When the site went dark, it was the science-and-politics equivalent of an earthquake. Critics of the Trump administration screamed censorship. The city of Chicago, under Mayor Rahm Emanuel, who had worked in the Obama administration, reposted the EPA website on the city's own official site.

"We are going to ensure Chicago's residents remain well informed about the effects of climate change, and I encourage cities, academic institutions, and others to voice concerns to follow suit to ensure this important information does not disappear," the mayor's office said in a statement on the city's website.

Meanwhile, a number of climate scientists argued that pulling down the page was hard to justify on substantive grounds because there was nothing scientifically wrong with the content.

For example, the statement that appeared to contradict Pruitt's position cited the conclusions of the United Nations Intergovernmental Panel on Climate Change, the world's most prominent climate science body. "Recent climate changes, however, cannot be explained by natural causes alone," the page, now archived, had stated. "Research indicates that natural causes do not explain most observed warming, especially warming since the mid-20th century. Rather, it is extremely likely that human activities have been the dominant cause of that warming."

"If any errors were present, they could have been fixed with minor editing," Carnegie Institution climate scientist Ken Caldeira told The Washington Post shortly after the site went down. "There was no cause for a wholesale review of the site's materials."

The EPA's approach to climate change does not necessarily reflect that of the Trump administration as a whole. While the agency took down its main climate website and Pruitt even considered bringing in outside skeptics to interrogate mainstream climate science conclusions, other expert branches of government have addressed the issue differently.

NASA and the National Oceanic and Atmospheric Administration, have generally continued to regularly post content on climate change without drawing major complaints about censorship or the disappearance of materials.

The U.S. Global Change Research Program, meanwhile, released a major report in November that strongly reaffirmed the mainstream consensus on climate change. That office, which coordinates across multiple government agencies that work on climate issues (including the EPA), is finalizing another document that will exhaustively catalogue all the ways in which a warming climate is affecting, and will affect, the United States.

Branches of the Interior Department have also removed or modified online content on climate change, but it is unclear whether any blanket suppression is occurring. Just last week, scientists with the agency's U.S. Geological Survey published alarming research suggesting that atoll islands around the globe, some of which are part of or overseen by the United States, could become "uninhabitable" within decades. That research was funded by the Pentagon, another agency whose approach to climate change has differed from that of the EPA.

Still, the disappearance of the main EPA climate site sends a signal across the government under the Trump administration, warned Gretchen Goldman, an analyst with the Union of Concerned Scientists.

"We've seen already evidence of climate-related censorship at the EPA and elsewhere, as well as some self-censorship issues where career officials are choosing not to work on climate or say the word 'climate' in various venues," she said. "And I think it's all related. Having the website down sends the signal to scientists that this administration is not welcoming of climate-related work."

Washington Post

https://www.washingtonpost.com/news/monkey-cage/wp/2018/05/04/pruitts-epa-denies-climate-science-republicans-can-correct-him-will-they/?utm_term=.14ace31d07ad

Pruitt's EPA denies climate science. Republicans can correct him. Will they?

By Salil Benegal and Lyle Scruggs, 5/4/18, 5:00 AM

In the past week, Scott Pruitt, embattled chief administrator of the Environmental Protection Agency, testified before two House panels about alleged ethics violations and controversial spending decisions. Under this scrutiny, two of his top aides have resigned.

Pruitt's political support may be ebbing. But prominent Republicans and conservative groups have supported him for his deregulatory fervor and conservative Christian ideology.

Some observers suggest that Pruitt's deregulatory efforts haven't been very effective. But the Pruitt-led EPA has supported efforts to publicly question climate science, to undermine its use in regulating air pollution and other environmental contaminants, and to discourage legitimate scientific research. At one point, his EPA suggested a "Red Team/Blue Team"-style debate on climate science, which would publicly attack the scientific consensus on the causes and course of climate change.

American public opinion on climate science is divided by party

Public opinion on climate change has been divided by party for many years; Pruitt's efforts could accelerate that division. Consider, for instance, a March Gallup poll showing that fewer Republican voters agree that there is a scientific consensus on climate change or that the climate is changing in large part because of human activity.

Gallup found that 35 percent of Republicans agreed that global warming is caused by human activity, down from 40 percent last year. In contrast, 89 percent of Democrats agreed this was the case, up from 87 percent last year. Furthermore, 42 percent of Republicans agreed that there was a scientific consensus on climate change, down from 53 percent last year.

Pruitt may not be the only cause of that shift, but his efforts have probably influenced it.

Here's how we did our research

Our research suggests that more Republicans in Congress would need to speak out in support of climate science to narrow this partisan gap and correct these misperceptions. Several have already criticized Pruitt's spending habits, but few have questioned his rejection of climate science.

We conducted two online survey experiments on Amazon Mechanical Turk – a pilot on a sample of 970 respondents and then a larger sample with 1,338 respondents – in which participants read a short article in which a Republican politician challenged or denied the scientific consensus on climate change. The article emphasized falsehoods commonly levied by prominent climate-change skeptics: that the science was unsettled; that human activity may not necessarily contribute to climate change; and that calls for environmental regulation were "alarmist." In fact, more than 97 percent of climate scientists agree that the atmosphere is warming, in large part because of such human activity as the use of fossil fuels.

However, respondents read different versions of this article. One group received only the misinformation, while other groups received the misinformation followed by a correction that offered the scientific consensus. Of the groups that read the correct information, different groups were told that it came from either climate scientists, Democratic politicians or Republican politicians.

We then measured their opinions on three different points: that there is a scientific consensus on climate change; that climate change is affected by human activity; and that it is a serious issue.

The messenger is as important as the message

Those who read the scientists' corrections were, on average, moderately more likely to say they believed the climate consensus. But Republicans and independent voters were most likely to be persuaded of climate science when given correct information by a Republican politician. That especially influenced their opinions on whether climate change is serious – by as much as 15 percent more than if they were told the correct information was from a scientist.

The Republican source was far more effective than a Democratic source in almost all cases. Democrats also reported greater agreement with climate science when a correction came from a Republican rather than a Democratic politician.

Respondents who believed the correction was from a Democrat were slightly more likely to say they believed in climate change than those who read only the misinformation – but the change was significantly less than for those who believed the correction was from a Republican.

Independents – real independents, leaving out those who said they leaned toward one political party – were also most likely to say they agreed with the scientific consensus if they read a correction ostensibly from a Republican.

Our study strongly suggests that it's not enough to correct misinformation about climate change by just providing a corrective statement; the messenger is as important as the medium. These results are consistent with Adam Berinsky's research on correcting political misinformation. He found that Republicans were especially effective in countering rumors about "death panels" in health-care reform.

Republicans who take a stand favoring the scientific consensus will persuade more Americans than either Democrats or scientists. This may be because such a stance is rare for Republicans – and potentially costly. For instance, in 2010, Rep. Bob Inglis (R-S.C.) was defeated in a primary for his House seat after advocating for action on climate change. And such a stance may attract additional attention, since it rejects the Republican party line. As a result, Republicans like Sen. Lindsey O. Graham (S.C.) or Rep. Carlos Curbelo (Fla.) who speak out on climate change may be especially persuasive in increasing concern and knowledge about climate change. And that may be most effective at countering the climate misinformation promoted by such people as Scott Pruitt.

New York Times

<https://www.nytimes.com/2018/05/03/opinion/pruitt-forests-burning-energy.html?ref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency>

Pruitt Is Wrong on Burning Forests for Energy (*Op-Ed)

By William H. Schlesinger, Beverly Law, John Sterman, and William R. Moomaw, 5/3/18

As Scott Pruitt, the administrator of the Environmental Protection Agency, was preparing to defend himself before Congress last week against charges of extravagant spending and other improprieties, he found time to travel to Cochran, Ga., to address the Georgia Forestry Association.

On the day after Earth Day, he announced yet another policy that will damage the environment he is supposed to be protecting. He told the group that the E.P.A. would now declare the burning of wood from managed forests for energy production by power plants and other stationary sources to be "carbon neutral."

By that, he meant that, in the agency's view, there would be no net release of carbon dioxide emissions into the atmosphere, because replanting the forest that had just been cut and burned could offset those emissions. This determination could make it easier for wood-burning power plants to win regulatory approval.

But Mr. Pruitt's declaration contradicts some basic facts. Burning wood from forests to generate electricity is not carbon neutral when the direct emissions from combustion, plus emissions from soil and logging and processing the wood, are considered. Scientific studies have shown that it will worsen the consequences of climate change for decades or through

the end of this century. This was not a decision based in science, but in politics, a giveaway to the forest products industry. As Mr. Pruitt has put it, it will provide the industry with “certainty” in the “agency’s permitting process.”

The forestry association understandably applauded the decision. “Administrator Pruitt’s announcement today reflects the clear scientific consensus on forest biomass,” said Andres Villegas, the president of the group.

This statement also could not be farther from the truth. We are among 13 research scientists who have joined to challenge these blatantly inaccurate assertions. We are not outliers on this. In January, 796 scientists from the United States and Europe sent a letter to the European Union Parliament warning against a plan that would provide incentives for cutting trees to burn for energy.

“Even if forests are allowed to regrow,” those scientists wrote, “using wood deliberately harvested for burning will increase carbon in the atmosphere and warming for decades to centuries.” And that is the case, the scientists added, “even when wood replaces coal, oil or natural gas.”

It’s basic science. The simple fact is that cutting and burning trees adds carbon dioxide to the atmosphere, trapping radiant heat from the earth and making the planet warmer.

The added carbon dioxide is removed from the atmosphere only if the forest that is cut down is replaced by a new generation of trees. (Trees and other green plants remove carbon dioxide from the air and use it to make leaves, wood and roots through photosynthesis.) But regrowth takes time, a century or more for native forests, assuming they don’t fall victim to wildfire or disease. And regrowth never occurs if the land is developed or converted to pasture or farmland.

Moreover, throughout the many decades before the replacement forests can grow enough to remove the extra carbon dioxide from the atmosphere, the previously added gas will thaw more permafrost and melt more ice, make ocean acidification worse, accelerate global warming, speed sea-level rise, increase the incidence of extreme weather, worsen drought and water stress, and hurt crop yields — effects that will persist for centuries or longer.

We must reduce greenhouse gas emissions now, not increase them.

Atmospheric levels of carbon dioxide would be rising much faster than they are now if there were no forests. In the United States, forests removed about 11.6 percent of the carbon dioxide pumped into the atmosphere in this country in 2016.

Forests are also vital for other reasons, of course, protecting against floods and supporting diverse plant and animal communities. One needs only to visit the southeastern United States to see clear-cutting by the biomass industry and the destruction of some of the most biodiverse lands on the continent. The resulting soil erosion ruins the productivity of these lands and leads directly to the silting of rivers and increased flooding. Furthermore, air pollution from the wood bioenergy industry disproportionately affects low-income communities.

Burning wood for fuel discharges more carbon dioxide emissions than burning coal and is more expensive than utility-scale wind or solar energy. As of early last year, Britain had spent about \$1.3 billion over the previous two years to subsidize wood pellets imported from North America and burned for energy. British taxpayers there are paying electricity providers to make climate change worse.

Will the United States now follow this erroneous path as well? In 2016, about 2 percent of total energy consumption in the United States was from wood and wood waste, according to the Energy Information Administration. That’s more than enough. The Trump administration should focus on expanding zero-emitting sources like solar and wind power. Neither produces health-damaging air pollution or greenhouse gas emissions while generating electricity.

Mr. Pruitt’s decision to consider forest bioenergy as carbon neutral is neither scientifically justified nor economically efficient. His justification is a concocted “fact” to support the forest products industry at the expense of the planet.

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The Hill

<http://thehill.com/opinion/energy-environment/386145-dont-let-the-trump-administration-put-clean-car-standards-in>

Don't let the Trump administration put clean car standards in reverse (*Op-Ed)

By Joan Claybrook, 5/3/18, 6:15 PM

Here we go again.

The Trump administration, bent on rolling back safeguards that keep Americans safe and protect consumers, is accelerating its reckless deregulatory push to undo vehicle standards at the behest of the automakers.

It's déjà vu. I am reminded of my time as administrator of the National Highway Traffic Safety Administration (NHTSA) under President Jimmy Carter. At every turn we were met by automakers which — incorrectly — claimed that incorporating safety features like seatbelts and airbags was too costly.

Their most recent target: fuel economy and greenhouse gas emission standards for vehicles, known as clean car standards. Today's program is the result of a historic 2011 agreement between automakers and the Obama administration. It would nearly double fuel economy by 2025 and reduce 6 billion metric tons of climate pollution over the lifetime of new vehicles sold between model years 2017 and 2025.

Since the agreement took effect, the standards have saved consumers money, protected public health and led to impressive reductions in greenhouse gas emissions.

Though monumental, the Obama-era clean car standards weren't without precedent. As NHTSA administrator, I issued the country's first fuel economy standards. These standards have been saving gas and saving consumers money since 1978 — 1.5 trillion gallons and \$4 trillion. It's gratifying to see what the industry can achieve.

However, ever since the 1970s, when consumer and health advocates began pushing for improved emissions standards, automakers have tried to thwart those attempts. It took more than 25 years for fuel economy standards to be updated, in no small part because of the automakers' sabotage.

So here we are again. Just days after the 2016 election, automakers asked then President-elect Donald Trump to review the clean car standards. After multiple meetings with auto executives, Environmental Protection Agency (EPA) Administrator Scott Pruitt announced plans to roll back the clean car standards. According to a review from the Environmental Defense Fund, that decision relies not on an EPA analysis of the standards but on 63 citations from the auto industry. Pruitt's decision makes no mention of climate change — which was one of the key underlying rationales for the standards when they were issued.

Now, NHTSA and the EPA will begin to disassemble the clean car standards. It's easy to predict what scare tactics they might use. In the 1990s, when Congress was considering improving fuel economy, the U.S. Department of Transportation claimed that greater fuel economy would produce less safe vehicles, a claim that belied the facts.

In reality, the vast majority of improvements to fuel economy came from improvements in technology, not by making vehicles that are less crashworthy. Nevertheless, efforts to torpedo improved fuel economy standards were successful for years.

Pruitt recently hinted in public comments that the administration would turn to refuted claims that fuel-efficient vehicles are less safe, don't be fooled. Improved economy and improved safety are achievable together. Automakers have done it before. Now, they are producing the most technologically advanced and cleanest cars in history. Vehicle prices have stayed relatively flat, and automakers have seen profits boom.

A 2016 technical assessment by the EPA, NHTSA and the California Air Resources Board shows that automakers are meeting the standards more affordably and faster than predicted. According to an analysis by the Consumer Federation of America, many models already exceed the current Corporate Average Fuel Economy (CAFE) requirements.

The Obama standards push automakers to innovate and set mile-per-gallon targets based on vehicle size and not a fleet-wide average. This means that improved fuel economy will continue to come not only from improved technology in engines but also from advancements in metal alloys and composite materials that make modern cars stronger, safer and more fuel-efficient. This attack would be just the latest from an administration that misleads the public with no compunction.

The truth is that this administration isn't pursuing regulatory rollbacks to help the American people. It is furiously undoing important safeguards at the behest of corporations and their friends who fill the highest posts in the Trump administration.

Automobiles on the road today demonstrate that increased safety and better fuel economy are not mutually exclusive. In fact, they are compatible and what the public wants.

Automakers should go forward, not backward. They should embrace the words of Robert B. Alexander, Ford's then-vice president for car product development, which I often repeated to auto executives during my time as NHTSA administrator. In a 1977 speech sponsored by the Michigan Chamber of Commerce, he said, "The lion's share of the burden of meeting these stringent standards and mandates will fall on the shoulders of the engineers. In fact, I like to call this the 'age of the engineer' — and I, for one, couldn't be happier." This statement is as true today as it was then.

Joan Claybrook was the administrator of the National Highway Traffic Safety Administration in the U.S. Department of Transportation from 1977-1981 and is president emeritus of Public Citizen.

Politico

<https://subscriber.politicopro.com/energy/whiteboard/2018/05/epa-narrows-guidelines-for-aggregating-sources-for-air-permitting-1157347>

EPA narrows guidelines for aggregating sources for air permitting

By Alex Guillen, 5/3/18, 5:59 PM

EPA will alter its interpretation of when related facilities are considered a single source for air permitting purposes in a way that could ease their permitting requirements.

Permitting rules say that plants located near each other should be aggregated for permitting purposes if they are operated by the same entity, known as "common control." In that case, the facilities' emissions can be aggregated and be subject to more stringent permitting requirements than if treated separately.

In an April 30 memo concerning a common control designation for a Pennsylvania landfill and nearby biogas processing facility that are owned by different companies, EPA air chief Bill Wehrum revised the agency's interpretation so that facilities meet the definition if one entity has "the power or authority ... to dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements."

A dependent relationship should not necessarily mean common control, he added. Facilities can be "economically or operationally interconnected" without being able to direct the other.

In the immediate case of the Pennsylvania landfill and processing plant, Wehrum concluded that the two are not commonly controlled because the landfill could otherwise meet methane emissions limits by burning off biogas and because the processing plant hopes to secure other sources of biogas.

WHAT'S NEXT: Ultimately, EPA's reasoning is only a recommendation. Pennsylvania regulators have the final say on whether these particular facilities fall under "common control."

AP

[https://apnews.com/6022dbca3cb24847bfd136f9ad6be76c/Enbridge-fined-\\$1.8M-for-missing-pipe-inspection-deadlines](https://apnews.com/6022dbca3cb24847bfd136f9ad6be76c/Enbridge-fined-$1.8M-for-missing-pipe-inspection-deadlines)

Enbridge fined \$1.8M for missing pipe inspection deadlines

By John Flesher, 5/3/18

TRAVERSE CITY, Mich. (AP) — The U.S. government has fined Enbridge Inc. more than \$1.8 million after accusing the Canadian oil transport company of missing deadlines for pipeline inspections following a gigantic oil spill in southwestern Michigan.

A federal court deal this week ended the latest legal skirmish resulting from what the Environmental Protection Agency describes as the costliest inland oil spill in U.S. history — and one of the largest. Heavy crude from a ruptured pipe oozed into a creek feeding the Kalamazoo River in July 2010, a disaster compounded when Enbridge control center personnel in Canada misread alarms and boosted the flow. It took 17 hours for the company to realize what was happening.

Nearly 40 miles of the river, shorelines and wetlands were polluted. Cleanup lasted four years and cost Enbridge more than \$1 billion. The company said 843,000 gallons of oil were released, while EPA put the total at more than 1 million.

The Calgary, Alberta-based company reached \$176 million consent decree with U.S. regulators in 2016 that required inspections of additional pipelines in Enbridge's Lakehead network, a web extending some 2,000 miles across seven states. The company would use tools that could detect cracks, corrosion and other flaws inside pipes.

But EPA and a third-party monitor working with the government concluded that six inspections conducted last year did not meet the time frame under the settlement. Enbridge denied violating the agreement, saying there was an honest dispute over when the clock had started. The internal checks were finished and no safety concerns found, spokesman Michael Barnes said Thursday.

"To ensure focus on safe operation of the pipelines and to maintaining our commitments under the consent decree, we have agreed to pay a penalty to resolve the matter," Barnes said. We have reached agreement on the inspection schedule going forward."

Spokesman Wyn Hornbuckle of the U.S. Department of Justice, which represented EPA, declined to comment on the settlement, which was filed Wednesday in U.S. District Court for Western Michigan.

Two of the inspections were of sections of Line 5, which runs between Superior, Wisconsin, and Sarnia, Ontario. Neither involved a nearly 5-mile-long underwater segment in the Straits of Mackinac, the channel that connects Lakes Michigan and Huron, which received several dents from a suspected tugboat anchor strike last month and is the subject of public debate over its safety.

The settlement also noted concerns about the reliability of a tool used previously for inspecting Line 2, which runs from Edmonton, Alberta, to Superior, Wisconsin. It said the company would work with vendors to develop a model that could better detect cracks and determine their size.

AP

<https://apnews.com/009ef6693ea9403dae0c70fb173ffec4/Deal-ends-environmental-racism-complaint-against-hog-farms>

Deal ends environmental racism complaint against hog farms

5/3/18

RALEIGH, N.C. (AP) — North Carolina officials are resolving a formal complaint of environmental racism by promising tougher oversight of industrial swine operations blamed for polluting the air and water.

The state Department of Environmental Quality and a coalition of environmental groups said Thursday they've resolved a four-year-old complaint about health problems affecting minority communities near large-scale hog operations.

The U.S. Environmental Protection Agency last year told the state agency it was concerned that minorities might have suffered outsized effects as concentrated animal feeding operations multiplied near their eastern North Carolina homes.

State environmental officials say they'll now launch an air quality study in Duplin County and expand existing water monitoring efforts in Sampson and Duplin counties.

The agreement ends civil rights complaints filed against the state environmental agency in 2014 and 2016.

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=133296833&item=408&prod=deln&cat=AGENCY

EPA's Inaction on Pesticide Training Draws Watchdog Probe

By Sam Pearson and Ayanna Alexander, 5/4/18

EPA regulators haven't issued a notice that improved training materials are available to prevent farm worker exposure to pesticides. Now the agency's inspector general wants to know why.

The inspector general's office said May 2 that it will investigate the Environmental Protection Agency's failure to formally notify companies that they can use the new training materials. Under EPA regulations, the lack of notification frees companies from having to offer the training.

"It's been available for months now," Virginia Ruiz, director of occupational and environmental health at Farmworker Justice in Washington, told Bloomberg Environment May 3.

The inspector general wants to find out if the EPA's failure to notify companies about the training has affected implementation and compliance with the standard, according to a [project notification](#) May 2.

The probe comes as the EPA is reconsidering two Obama administration regulations to improve the safety of workers who handle pesticides.

The agency expects to issue proposed changes to the Obama-era regulations for public comment later this year, Rick Keigwin, director of EPA's Office of Pesticide Programs, said at a May 2 meeting of its Pesticide Program Dialogue

Committee. This federal advisory committee is focused on pesticide regulations, policy, and implementation issues with the EPA.

Worker Training

The new training programs were developed during the Obama administration, under a 2015 regulation updating worker protection standards for how companies must prevent worker exposure to pesticides.

The Trump administration is now reconsidering the worker protection standard and a related 2017 regulation for how pesticide applicators are certified. The move is drawing concerns from Sen. Tom Udall (D-N.M.), who has pledged to block farm bill legislation in part because of his belief that the worker protection standards should be allowed to take effect.

Companies don't have to provide the new training until 180 days after the EPA formally announces it in the Federal Register.

But opponents of the EPA's delay said updated pesticide training is already available, and the agency is stalling the formal notification so that companies don't have to use it.

The EPA blamed bureaucratic obstacles and a lack of resources for not taking action, according to Ruiz.

"There's no justification for not doing that," she said.

In a Dec. 21, 2017, Federal Register notice, the EPA said, "There are training materials available that meet the expanded content requirement," but it wouldn't issue a notice that they're available until it completes broader regulation making changes to the worker protection standard.

Bloomberg Environment calls requesting comment from the pesticide trade association CropLife America and the American Farm Bureau Federation weren't returned.

The EPA didn't respond to a request for comment May 3.